

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI
DIRECTOR

ANNE EUSTAQUIO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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June 23, 2020

The Honorable Roy Takumi, Chair
Committee on Consumer Protection
and Commerce
House of Representatives
State Capitol, Room 320
Honolulu, Hawaii 96813

Dear Chair Takumi:

Subject: Senate Bill (SB) 2130, Senate Draft (SD) 1 Relating to the State Fire Code

I am Manuel P. Neves, Chair of the Hawaii State (State) Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support SB 2130, SD 1, which proposes to amend the adoption process of the state fire code to conform to other State building codes.

One of the SFC's responsibilities is to adopt the state fire code, which is required to comply with the requirements of Hawaii Revised Statutes (HRS), Chapters 91 and 92. Chapter 91 requires navigating through the numerous steps in the administrative rules process, including public hearings that cost approximately \$2,000 to post notices in the five different Hawaii news publications. Chapter 92 requires that meetings and discussions on the state fire code comply with Sunshine Law requirements in an open public forum.

HRS §107-24 (c) requires State building codes, which include building, residential, plumbing, energy, and electrical codes, be adopted, amended, and updated from the National Codes and Standards "pursuant to chapter 92, and exempt from the requirements of chapter 91."

Since the state fire code is one of the State building codes, the SFC suggests the following statutorily uniform revision:

§132-3 Adoption of state fire code. The state fire council [~~shall, after public hearings pursuant to chapter 91,~~ pursuant to chapter 92, and exempt from the requirements of chapter 91, shall adopt a state fire code setting forth minimum requirements relative to the protection of persons and property from fire loss including without limitation:

- (1) [~~the~~] The storage, handling and use of hazardous substances, materials and devices; and
- (2) [~~the~~] The control of conditions hazardous to life or property in the design, use or occupancy of buildings and premises.

The SFC believes adequate comment opportunities can be provided without public hearings through the following methods:

1. Conduct public meetings in an open forum under HRS Chapter 92.
2. Publicly post the state fire code Investigative Committee meetings that initially review and amend the national fire code.
3. Notify state fire code stakeholders during the review and adoption process.

The SFC and the HFD urge your committee's support on the passage of SB 2130, SD 1 with the recommended revision.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at 723-7176 or lrogers@honolulu.gov.

Sincerely,



MANUEL P. NEVES
Chair

MPN/LR:cn

Harry Kim
Mayor



Darren J. Rosario
Fire Chief

Lance S. Uchida
Deputy Fire Chief

County of Hawai'i
HAWAII FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

June 22, 2020

The Honorable Roy Takumi, Chair
Committee on Consumer Protection
and Commerce
House of Representatives
State Capitol, Room 320
Honolulu, Hawai'i 96813

Dear Chair Takumi:

Subject: S.B. 2130, SD 1, RELATING TO THE STATE FIRE CODE
Hearing Date: Wednesday, June 24, 2020
Time/Place of Hearing: 10:00 a.m., Conference Room 325

I am Darren J. Rosario, Vice Chairman of the Hawai'i State Fire Council (SFC) and Fire Chief of the Hawai'i Fire Department of the County of Hawai'i (HCFD). The SFC and the HCFD stand in strong support of SB 2130, SD 1. This bill proposes to amend the adoption process of the state fire code to conform to other State building codes.

Compliance with the requirements of Hawaii Revised Statutes (HRS), Chapters 91 and 92. Chapter 91 requires public hearings that cost approximately \$2,000 to post public notices in the five different Hawaii news publications. Chapter 92 requires that meetings and discussions on the state fire code comply with Sunshine Law requirements in an open public forum. This bill would provide measures to provide the public with adequate comment opportunities in lieu of the current requirements.

On behalf of the Hawai'i Fire Department, I support the written testimony being submitted by State Fire Council Chair Manuel Neves in its entirety.

Please do not hesitate to call me at 932-2903 or darren.rosario@hawaiicounty.gov should you have any questions. Thank you for the opportunity to provide testimony in support of SB 2130, SD 1.

Respectfully,

A handwritten signature in blue ink, appearing to read "DR", representing Darren J. Rosario.

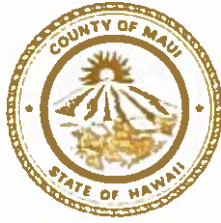
DARREN J. ROSARIO
Fire Chief



MICHAEL P. VICTORINO
Mayor

DAVID C. THYNE
Fire Chief

BRADFORD K. VENTURA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY
COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, HI 96732

June 22, 2020

The Honorable Roy Takumi, Chair
Committee on Consumer Protection
and Commerce
House of Representatives
State Capitol, Room 320
Honolulu, HI 96813

Dear Chair Fukumi:

Subject: Senate Bill (SB) 2130 Senate Draft (SD) 1 Relating to the State Fire Code

I am David C. Thyne, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD support SB 2130, SD 1, which proposes to amend the adoption process of the state fire code to conform to other State building codes.

One of the SFC's responsibilities is to adopt the state fire code, which is required to comply with the requirements of Hawaii Revised Statutes (HRS), Chapter 91 and 92. Chapter 91 requires public hearings that cost approximately \$2,000 to post public notices in five different Hawaii news publications. The administrative rules process is cumbersome and time-consuming in addition to the time and effort it takes to review and amend the national fire code. Chapter 92 requires that meetings and discussions on the state fire code is one of the State building codes, it must also be approved by the State Building Code Council (SBCC) after being approved by the SFC. Other State building codes, which include residential, plumbing, energy, and electrical codes are adopted by the SBCC under Chapter 92 without public hearings or the administrative rules process.

The SFC believes adequate comment opportunities can be provided without public hearings through the following methods:

1. Conduct public meetings in an open forum under HRS Chapter 92

The Honorable Roy Takumi, Chair

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June 22, 2020

2. Publicly post the state fire code Investigative Committee meetings that initially review and amend the national fire code
3. Notify state fire code stakeholders during the review and adoption process

The SFC and the MFD urge your committee's support on the passage of SB 2130, SD 1.

Should you have any questions, please contact SFC Administrative Specialist Lloyd Rogers at (808) 723-7176 or lrogers@honolulu.gov.

Sincerely,



DAVID C. THYNE
Fire Chief



HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
State Capitol, Conference Room 325
415 South Beretania Street
10:00 AM

June 24, 2020

RE: SENATE BILL NO. 2130 SD1, RELATING TO THE STATE FIRE CODE

Chair Takumi, Vice Chair Ichiyama, and members of the committee:

My name is Dwight Mitsunaga, 2020 President of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA-Hawaii is strongly opposed to SB 2130 SD1, which proposes to amend the process for adoption of the state fire code.

The purpose of the bill is to repeal the requirement for the state fire code to be adopted after public hearings pursuant to chapter 91, Hawaii Revised Statutes, and instead require the state fire code to be adopted pursuant to chapter 92, Hawaii Revised Statutes, which is more of an governmental administrative process, thus does not require public input.

At a time when there is a need for more government transparency, we question why the adoption of the fire code should not involve a public hearing. Government mandates such as these add to the cost of housing, which in Hawaii is already unaffordable for many local families.

We are finding more and more mandates which impact housing affordability hidden in various codes that are being adopted at the national level with very little, if any, public input. Agencies and manufacturers who benefit from the new codes have been actively involved at the national level. Once the new codes are adopted at the national level, the state and/or county could amend the code prior to adoption at the local level. The state review is conducted by the State Building Code Council, made up of a majority of government interests. The only real public opportunity to comment is at the county level where the respective County Council must adopt the new code.

We would caution against disallowing a full public vetting of the State Fire Code prior to adoption as some of the elements in the code, such as mandating the installation of fire sprinklers in all new one and two family dwellings, will have a significant impact on future home prices.

We are strongly opposed to SB 2130 SD1, and appreciate the opportunity to express our views on this matter.

SB-2130-SD-1

Submitted on: 6/23/2020 3:02:48 PM

Testimony for CPC on 6/24/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne Kauhi	Individual	Support	No

Comments:



KAUA'I FIRE DEPARTMENT
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

SOLOMON K. KANOHO
ACTING FIRE CHIEF

LATE

Testimony of Solomon K. Kanoho
Acting Fire Chief, Kaua'i Fire Department

Before the
Committee on Consumer Protection and Commerce
June 24, 2020; 10:00 am
Conference Room 325

In consideration of
Senate Bill 2130, SD 1
Relating to the State Fire Code

Honorable Chair Takuma, Vice Chair Ichiyama, and Members of the Committee:

The State Fire Council (SFC) and the Kaua'i Fire Department (KFD) **support** SB 2130, SD 1, which proposes to amend the adoption process of the state fire code to conform to other State building codes.

One of the SFC's responsibilities is to adopt the state fire code, which is required to comply with the requirements of Hawai'i Revised Statutes (HRS), Chapters 91 and 92. Chapter 91 requires navigating through the numerous steps in the administrative rules process, including public hearings that cost approximately \$2,000 to post notices in the five different Hawai'i news publications. Chapter 92 requires that meetings and discussions on the state fire code comply with Sunshine Law requirements in an open public forum.

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- (1) [~~the~~] The storage, handling and use of hazardous substances, materials and devices; and
- (2) [~~the~~] The control of conditions hazardous to life or property in the design, use or occupancy of buildings and premises.

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June 22, 2020

The SFC believes adequate comment opportunities can be provided without public hearings through the following methods:

1. Conduct public meetings in an open forum under HRS Chapter 92.
2. Publicly post the state fire code Investigative Committee meetings that initially review and amend the national fire code.
3. Notify state fire code stakeholders during the review and adoption process.

The SFC and the KFD urge your committee's support on the passage of SB 2130, SD 1.

Should you have questions, please contact KFD Fire Prevention Captain Darryl Date at 241-4982 or ddate@kauai.gov.

Sincerely,



Solomon K. Kanoho
Acting Fire Chief

SKK/DD:st

